

DEC 21 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICK NEAL BRADBERRY,

Plaintiff - Appellant,

v.

ALRIDGE, sued in his/her individual and  
official capacity; et al.,

Defendants - Appellees.

No. 07-15907

D.C. No. CV-05-01336-JAT

MEMORANDUM \*

Appeal from the United States District Court  
for the District of Arizona  
James A. Teilborg, District Judge, Presiding

Submitted December 17, 2007 \*\*

Before: GOODWIN, REINHARDT and W. FLETCHER, Circuit Judges.

The Clerk shall file the opening brief received on September 20, 2007.

We have reviewed the opening brief and the response to the court's  
September 12, 2007 order to show cause, and we conclude the district court erred

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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in dismissing appellant's complaint for failure to state a cognizable claim under 42 U.S.C. § 1983. *See Swierkiewicz v. Sorema N. A.*, 534 U.S. 506 (2002) (to provide a short and plain statement of the claim showing that the pleader is entitled to relief, as required by Federal Rule of Civil Procedure 8, a complaint must simply give defendant fair notice of what the plaintiff's complaint is and the grounds upon which it rests). Accordingly, we reverse the district court's order and remand for further proceedings.

**REVERSED and REMANDED.**